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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,669	11/15/2001	Pascal Treillard	Q67056	7507

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,669

Applicant(s)

TREILLARD, PASCAL

Examiner

DANH C. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 4-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-5,11-14, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) in view of Schon (6,131,030)).**

As to claim 28, Lupien teaches a method for intersystem (figure 6) transfer of calls from a first cellular mobile radio system (800 Mhz) using the handoff transmission technique to a second cellular mobile radio system (1900 Mhz), said first cellular mobile radio system comprising a radio network controller operating as a serving controller (serving MSC) and at least one radio network controller operating as a drift controller (target MSC), said drift controller controlling at least one serving cell, said at least one serving cell belonging to the first system and having at least an adjacent cell belonging to the second system (neighboring list, col.6, lines 30-61).

Lupien fails to teach the macro-diversity transmission and said drift controller sending to said serving controller information relating to said at least one cell of the second system. Schon teaches the macro-diversity transmission (col.7, lines 34-44) and said drift controller sending to said serving controller information relating to said at least one cell of the second system (col.6, lines 16-

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27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Schon into the system of Lupien in order to support subsequent handovers between cells as Schon suggested.

As to claim 29, the claim is a system claim of claim 28; therefore, the claim is interpreted and rejected as set forth as claim 28.

As to claim 30, the claim is an apparatus claim of claim 28; therefore, the claim is interpreted and rejected as set forth as claim 28.

As to claim 4, the combination of Lupien and Schon teaches a method according to claim 28 said first system is a Universal Mobile Telecommunication System and said information relating to said of at least on of the cell of the second system is signaled in a message of the "Radio Link set Response" type (col.4, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Schon into the system of Lupien in order to allocate the optimum resources for the call.

As to claim 11, the claim is a system claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 12, the claim is an apparatus claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 5, the combination of Lupien and Schon teaches a method according to claim 28 said first system is a Universal Mobile Telecommunication System and said information relating to said of at least on of the cell of the

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second system is signaled in a message of the "Radio Link Addition Response" type (Parmar, col.5, lines 65-67).

As to claim 13, the claim is a system claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 14, the claim is an apparatus claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 25, the combination of Lupien and Schon teaches a method according to claim 28 wherein said first system is a Universal Mobile Telecommunication System and said second system is a Global System for Mobile Communication system (figure 1).

As to claim 26, the claim is a system claim of claim 25; therefore, the claim is interpreted and rejected as set forth as claim 25.

As to claim 27, the claim is an apparatus claim of claim 25; therefore, the claim is interpreted and rejected as set forth as claim 25.

**2. Claims 6, 7, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) and Schon in view of McGrewr (US 6,614,901).**

As to claim 6, the combination of McGrewr and Schon teaches a method according to claim 28 the combination of McGrewr and Schon fails to teach a message of the "Radio Link Setup Failure" type. McGrewr teaches a message of the "Radio Link Setup Failure" type (col.6, lines 25-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to provide the teaching of McGrewr into the system of Lupien and Schon in order to enhance the system performance of the mobile communication networks.

As to claim 15, the claim is a system claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 16, the claim is an apparatus claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 7, the combination of Lupien, Schon and McGrewr teaches method according to claim 28 wherein said first system is a Universal Mobile Telecommunication System") system, and said information relating to said of at least one cell of the second system is signaled in a message of the "Radio Link Addition Failure" type (McGrewr, col.8, lines 15-32).

As to claim 17, the claim is a system claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 18, the claim is an apparatus claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

**3. Claims 8-10, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien (US 5,857,153) and Schon in view of Lidbrink (US 6,466,767).**

As to claim 8, the combination of Lupien and Schon teaches a method according to claim 28 wherein said second system is a Global System for Mobile Communication system, and the combination of Lupien and Schon fails to teach information of CGI ("Cell Global Identity") type. Lidbrink teaches information of CGI ("Cell Global Identity") type (col.11, lines 57-col.12-33). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Lidbrink into the system of Lupien and Schon in order to enhance the system performance of the mobile communication networks.

As to claim 19, the claim is a system claim of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 20, the claim is an apparatus claim of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

As to claim 9, the combination of Lupien, Parmar, Lidbrink teaches said second system is a Global System for Mobile Communication system, and said adjoining cell information relating to the second system includes information of BSIC ("Base Station Identity Code") type (Lidbrink, col.11, lines 57-col.12-33).

As to claim 21, the claim is a system claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 22, the claim is an apparatus claim of claim 9; therefore, the claim is interpreted and rejected as set forth as claim 9.

As to claim 10, the combination of Lupien, Parmar, Lidbrink teaches said second system is a Global System for Mobile Communication system, and said adjoining cell information relating to the second system includes information of BCCH ARFCN ("Broadcast Control Channel Absolute Radio Frequency Channel Number") type (Lidbrink, col.11, lines 57-col.12-33).

As to claim 23, the claim is a system claim of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

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As to claim 24, the claim is an apparatus claim of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

### ***Response to Arguments***

Applicant's arguments with respect to claims 4-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 12, 2006

DANH CONG LE  
PRIMARY EXAMINER